

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO., LTD.;
WUHAN CHINA STAR OPTOELECTRONICS SEMICONDUCTOR DISPLAY
TECHNOLOGY CO., LTD.; TIANMA MICROELECTRONICS CO. LTD.; AND
VISIONOX TECHNOLOGY, INC.,

Petitioner,

v.

SAMSUNG DISPLAY COMPANY, LTD.,
Patent Owner.

U.S. Patent No. 9,330,593

Original Issue Date: May 3, 2016

Title: STAGE CIRCUIT AND ORGANIC LIGHT EMITTING DISPLAY
USING THE SAME

Case No. IPR2023-01221

**UNOPPOSED MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 327(a) AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 327(a) and 37 C.F.R. § 42.74, Petitioner Mianyang BOE Optoelectronics Technology Co., Ltd.; Wuhan China Star Optoelectronics Semiconductor Display Technology Co., Ltd.; Tianma Microelectronics Co. Ltd.; And Visionox Technology, Inc. (“Petitioner”) moves for dismissal and termination of the *Inter Partes* Review of U.S. Patent No. 9,330,593 (“the ’593 Patent”), Case No. IPR2023-01221 (“the IPR Proceeding”). Patent Owner Samsung Display Company, Ltd. (“Patent Owner”) has advised the Board via e-mail dated October 30, 2023 that it does not oppose this motion.

On July 26, 2023, Petitioner filed a Petition for *Inter Partes* Review seeking to cancel claims 1-9, 14-23 and 25 of the ’593 Patent. *See* Paper No. 1. Patent Owner has not yet filed a Preliminary Response, which is due November 28, 2023.

Petitioner wishes to terminate this *Inter Partes* Review before the IPR Proceeding is instituted. Patent Owner does not oppose. Accordingly, termination is appropriate.

Pursuant to 37 C.F.R. § 42.5 and 42.72, the Board may terminate a trial without rendering a final written decision where appropriate, including pursuant to a request under 35 U.S.C. § 327(a). *See, e.g., Winplus N. Am., Inc. v. Pilot, Inc.*, IPR2018-00488, Paper 13 (P.T.A.B. Oct. 24, 2018). A dismissal of this IPR Proceeding would promote efficiency and minimize unnecessary costs. This proceeding is still in its preliminary stages, as the Board has not issued an institution

decision, conducted an oral hearing, decided the merits of this proceeding, or issued a final written decision.

Petitioner also respectfully submits that termination of the IPR Proceeding is appropriate as both Congress and federal courts have expressed a strong interest in encouraging settlement in litigation. *See, e.g., Delta Air Lines, Inc. v. August*, 450 U.S. 346, 352 (1981) (“The purpose of [Fed. R. Civ. P.] 68 is to encourage the settlement of litigation.”); *Bergh v. Dept. of Transp.*, 794 F.2d 1575, 1577 (Fed. Cir. 1986) (“The law favors settlement of cases.”), cert. denied, 479 U.S. 950 (1986). The Federal Circuit places a particularly significant emphasis on settlement. *See Cheyenne River Sioux Tribe v. U.S.*, 806 F.2d 1046, 1050 (Fed. Cir. 1986) (noting that the law favors settlement to reduce antagonism and hostility between parties). Ending this IPR Proceeding further promotes the Congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs. *See Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*, 77 Fed. Reg. 48,680 (Aug. 14, 2012).

In agreement with Congress and the federal courts, the Board’s Trial Practice Guide stresses that “[t]here are strong public policy reasons to favor settlement between the parties to a proceeding. The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already

decided the merits of the proceeding. 35 U.S.C. 317(a), as amended, and 35 U.S.C. 327.” Office Patent Trial Practice Guide; 77 Fed. Reg. 48,756, 46,768 (Aug. 14, 2012). Here, the Petitioners seek to terminate this proceeding, and the Patent Owner does not oppose the request. Thus, the Parties all wish to resolve this proceeding.

Petitioner certifies that there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding. Both Petitioner and Patent Owner support termination of the IPR Proceeding.

CONCLUSION

For the foregoing reasons, Petitioner requests that the Board dismiss this IPR Proceeding in its entirety.

Dated: November 8, 2023

Respectfully submitted,

/Richard Martinelli/
Richard Martinelli, Reg. No. 52,003
ORRICK, HERRINGTON & SUTCLIFFE, LLP
51 West 52nd Street
New York, NY 10019-6142
Telephone: (212) 506-5000
Email: 3J6PTABDocket@orrick.com
Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on November 8, 2023, a copy of the following was served in its entirety via electronic mail, upon the following attorneys of record for the Patent Owner:

David A. Garr Scott C. Weidenfeller COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street NW Washington, D.C. 20001	SDC-BOE-IPR@cov.com
--	--

/Karen Johnson/
Karen Johnson